HIGH COURT OF UTTARANCHAL AT NAINITAL

(Court's order whether the case is or not approved for reporting)

(Chapter VIII Rule 32 (2)(b)

Description of the case.

W.P. No. 1060 of 2002 (SB)

Dayal Singh vs. State of Uttaranchal & others

Approved for reporting.

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~~Not approved for reporting~~

Date of decision. 14.11.2003.

Initial of Judge

HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 1060 of 2002 (SB)

Dayal Singh S/o Sri Vijai Singh,
R/o village and P.O. Shreekot Idwalsyu,
District Tehri Garhwal ……. Petitioner

Versus

1. State of Uttaranchal
2. The Director, Education, Uttaranchal
3. Joint Director of Education Garhwal Mandal
   Pauri Garhwal …….……. Respondents

Dated:-14.11.2003

Hon'ble Rajesh Tandon, J.

Heard the learned counsel for the parties.

By the present writ petition the petitioner has prayed for the issue of a writ, order or direction in the nature of certiorari quashing the order dated 24.6.2002, annexure-1 to the writ petition.

Briefly stated the facts giving rise to the present writ petition are that the petitioner has applied for the post of L.T. Grade teacher consequent to the advertisement made by the respondents in the news paper. The application was sent to the respondent by registered post on 27.10.1997. The petitioner has stated that the registered letter sent

by the petitioner to the respondent no.2 did not return back to him and it was deemed by the petitioner that the registered letter was delivered to the respondent no.3. He has further alleged that when the result was declared on 27.5.2002, the name of the petitioner did not find place in the result sheet. The petitioner has approached to the respondent no.1 regarding his appointment but he was informed by respondent no.3 that the application of the petitioner has not been received in his office.

Counter affidavit has been filed by the respondents where it has been stated that the application for appointment has not been received in the office of respondents. The respondents have also annexed the copy of letter dated 28.8.2002 as annexure C-1, on the margin of which the Assistant Post Master (III) has made a endorsement that the record has been destroyed and as the enquiry has been made after a period of 18 months, nothing can be informed in the absence of any record.

Considering the case of both the parties, it is evident that application sent by the petitioner has not been received in the office of the respondents.

Since the receipt of the application has been denied by the respondents this Court cannot adjudicate with regard to the receipt of

the application or maintenance of the application forms in the register under Article 226 to the Constitution of India.

It will be open for the petitioner to approach the respondent authorities and to satisfy them by showing relevant documents that he had sent the application by registered post for the post of L.T. Grade Teacher.

It will be open for the respondents to consider the claim of the petitioner after giving him opportunity of hearing in accordance with law within three weeks after receipt of the certified copy of this order.

With the aforesaid observations the writ petition is disposed of. No order as to costs.

14.11.2003 **(Rajesh Tandon, J.)**
Dhyani